IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.586 OF 1995.

The State of Maharashtra .. Appellant

vs.

Jagannath Shankar Pawar
& Ors. .. Respondents.

Shri B.R.Patil, A.G.P. for the State.

P.B.Shah,Advocate for the Respondent nos.1 and 2.

CORAM : D.G.DESHPANDE, J.

DATED : 20th january, 2005.

P.C. :

1. Heard the learned AGP for the State and Mr. Shah for the respondent. The appeal arises out of the Land Acquisition Reference decided by the Extra Joint District Judge, Pune on 19.1.1993.

2. The land acquired was from the village Daund. It was 4 Hectares 97 Ares. The notification under

Section 4 was dated 27.7.1978. Notification under section 6 was dated 18.9.1979. The date of award was 5.11.1981. The compensation awarded by the SLAO was Rs.1.70 per sq.mt. The Court enhanced it to Rs.3.34 per sq.mt. At the outset the Advocate for the Respondent contended that the compensation awarded is not only meagre but the Court has wrongly deducted 66% of the compensation towards the development. However, he also conceded that since the claimant has not filed cross objection or appeal, he can not ask for enhancement. I find considerable force in this submission. No further reduction is necessary by allowing the appeal, nor it will be justified. Therefore, the appeal is dismissed with cost.

20.1.2005. (D.G.Deshpande, J.)